"Difficulties Certain If Indefinite Contribution Plan Is Restored by Congress"

people of the States. Thus, non-resident executors and administra-

trict of Columbia as a place belonging to all the people, is the provision of law now embodied in section 329 of the District Code, authorizing executors and administrators appointed by the courts of any of the States or Territories to prosecute and recover any claim in the District without taking out anciliary letters here.

It was in referring to this law that Mr. Justice Cox, in delivering the opinion of the Supreme Court of the District of Columbia in the above-mentioned case of Roach vs. Van Riswick, said:

Privileges of Citizenship

Denied Residents of District.

"It is matter of history that the legislation of Congress respecting the internal affairs of the District has in various instances had direct reference to the interests of the people of the States. Thus, non-resident executors and administra-

treference to the interests of the people of the States. Thus, non-resident executors and administrators from the States, by act of 1812, were allowed to sue and recover claims in the courts of the District. So, at a later date, it is a matter of private history, that the arrest for debt, here, of a visitor from a State, was the occasion of the abolition by Congress of imprisonment for siven, as theory, the legislature."

Other illustrations might be given showing that in practice, a conserse of one in antional legislature."

The Constitution provides that the judicial power of the United States whell extend to controversies between "citizens of different States." This was a resident of the State in which the suit was brought-since local prejudice would be likely to favor the resident when one of the parties only was a resident of the State in which the suit was brought-since local prejudice would be likely to favor the resident when one of the parties was a citizen of the State in which the suit was brought-since local prejudice would be likely to favor the resident sate of the court where one of the parties was a citizen of the District of Columbia. This decision was approved and followed in Barney vs. Baltimore, 6 Wallace, 5%, and in Hooe vs. Jamelson, 169 U. 8, 598. Hence the residents of the other was a citizen of the District of Columbia, the other was a citizen of the diverse citizenship of the parties.

It is sometimes said that while there may be good reasons for expecting the United States of Columbia. We have seen and Georgetown."

PERMANENT SETTLEMENT OF 1878 SHOULD STAND

"It would seem to be clear that what was determined upon in 1878 as a permanent settlement of this question, as the result of investigations and recommendations by so many committees composed of able and fair-minded men, should be allowed to stand now unless it can be shown by irresistible evidence that such a manifest change in the surrounding circumstances has taken place meanwhile that it would be plainly unjust to the people of the United States that the General Government should continue to share equally with those who reside in the Nation's Capital the expenses of maintaining it and making it more than ever worthy of the name of Washington.'

gress, 2d Session). Every word of that report is important in this connection. In the report itself it is stated that there had been several meetings of the committees of the two houses to consult upon the memorials and that those committees were undertsood to concur in presenting the accompanying bill.

City's Embarrassment.

The following are extracts from the

"The well-known pecuniary emrepeated appeals which have been herteofore made to the justice and the liberality of Congress, have induced a diligent and careful ex-amination into the facts and prin-ciples which are applicable to the

induced a diligent and careful examination into the facts and principles which are applicable to the case.

"Those embarrassments are of the most painful description. The city is involved in pecuniary obligations, from which it is utterly impossible that it can be relieved by any means within its own control, or by any exertions which it may make, unaided by Congressional legislation. Its actual debts now amount to the enormous sum of \$1.866.442.59; and it has not means from which it can apply at this time a single dollar for its discharge. So perfectly exhausted have its resources become that it will very probably in a short time be driven to the surrender of its charter by neglecting to elect its corporate officers, and thus be left upon the hands of Congress to dispose of, govern, and sustain as may best suit their own views of what is proper for the capital of the Union. "A state of things so little creditable to the nation and so abhorrent to the feelings of the committee, that they will not hesitate to recommend such measures, with the constitutional authority of Congress, as, in their judgment, are called for by the occasion. "The first cause of embarrassment to which the attention of the committee was directed was the expense incurred in the opening and streets are very wide, and for the number of inhabitants much greater in distance than those of any other city is one of unusual magnitude and extent. The avenues and streets are very wide, and for the number of inhabitants much greater in distance than those of any other city on this continent, and necessarily require a proportionate expenditure to make and keep them in repair. ""

"The expenditure upon the streets under these circumstances has unquestionably been one of the principal causes of the embarrassment of the city, and the committee believe that it is one which or pit not to have been throw on the linhabitants to the extent which it has been. They found this opinion upon the early history of the city, the object of the nation in its catablishm

in its establishment, and the contracts made by the Government for the land which it possesses within its limits.

The plan of the city was formed by the public authorities; the dimensions of the streets determined by them without interference by the inhabitants or regard to their particular interest or convenience. It is a plan calculated for the magnificent capital of a great nation, but oppressive, from its very dimensions and arrangements, to the inhabitants, if its execution to any considerable extent is to be thrown upon them. No people who anticipated the execution and subsequent support of extent is to be thrown upon them. No people who anticipated the execution and subsequent support of it out of their own funds would ever have dreamed of forming such a plan. It would have been the most consummate folly. At that period neither the Government nor the proprietors contemplated that the whole or even a large proportion of the burden should be thrown upon the inhabitants of the city. This assertion is amply sustained by two considerations. In the first place, the contract between the Government and the owners of the land gave to the former a large extent of public lots, sufficient for all the edifices and improvements which its convenience could require, and, in addition thereto, one-half of all the building lots within the limits of the city thus making the nation itself an equal owner of all the private property, and equally interested for the henefit of this private property in all the "improvements which right be made. In the next place, the Covernment assumed, and from that day to the present has claimed and exercised, entire and absclute control over all the streets of the city, so that the inhabitants or the corperate authorities have no power either to enlarge or to diminish them nor to open or close them; but the authority in these respects has been exercised at all times by Congress. It has even closed one of the streets and sold the ground which formed a part of it.

Bound by Every Principle of

Equal Rights and Justice. "The committee are of opinion that the Government was bound by every principle of equal right and justice to pay a proportion of the expense incurred upon this subject, equal to the amount of the property which it held, and which was to be increased in value and benefited by it; and this would have been greatly more than one-half.

"The early action of the Government and its agents is believed to have been in conformity with this principle, but the Government has of heretofore borne anything like its relative proportion. Its expenditures for this object have been comparatively small, and devoted almost entively small, and devoted almost entirely to the avenues and streets
which were indispensably necessary
for the convenience of Congress and
the public officers. ""While they do not think the city
was bound to expend the money of
the inhabitants upon the streets
which the nation claimed and regulated, they believe the narrowest
measure of justice would have renuired, and does now require, that
the Government, having in its private building lots and public reservations at least an equal interest in the

of which Mr. Starkweather was chairman, and declining to interfere practically approved what the board was then doing and what it was proposing to do in the immediate future.

So impoverished had the District become at this time that it was stated by the joint committee in its report that: "A portion of the employes (of the District) have not received any pay since June, 1873, and none of them have been paid since November 1, 1873, as far as the committee could ascertain. The only resources of the District to meet these liabilities are the unpaid taxes. It is safe to assume that there will be a definit on the first of July of at least \$1,000,000, for the current year. This does not in-

clude a debt of \$410,000, and in-terest secured by pledge of fund-ing bonds, which must be paid un-less the bonds can be sold." So, Mr. Jeremiah M. Wilson in sub-mitting the same report and the ac-companying bill to the House of Rep-resentatives on the 17th of June, 1874.

"The District is in a sense uttertly bankrupt. I regret to say it, but they have no means wherewith to carry on the government any longer. The treasury is utterly exhausted. They have no money with which to meet current expenses, much less to pay their debts." "I state these things for the purpose of showing that for the protection of Congress against improper charges on account of this District there is an absolute necessity for fixing some pro rata amount, some fixed proportional share, which shall be paid by Congress for the support of the District; and hence we have embedied that recommendation in a section of this bill."

And Mr. Garfield on the same occato carry on the government any And Mr. Garfield on the same occa-

"There is certainly a most imperative necessity that we should know at an early period exactly what part of the expenses of the District the Government of the United States ought to bear." When the bill reached the Senate, Mr. Thurman, who was himself a member of the joint select committee which reported it, in urging its pas-sage, said:

"I do not say that this bill is perfect, but I do say that your committee, after four months of such toil as perhaps was never performed by an, committee of tongress, have unanimously recommended the passage of this bill." The paragraph of the bill to which dr. Wilson referred was as follows.

That a joint reject committee shall be appointed consisting of two senators to be appointed by the presiding officer of the Senator, to be appointed by the Speaker of the House of Representatives, whose duty it

shall be to prepare a suitable frame of government for the District of Columbia and appropriate draughts of statutes to be epacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be besed."

The House of Representatives on the 26th day of January, 1874, instructed its Committee on the Judiciary "to inquire and report to this House the legal relations between the Federal Govern-

much more than one-half of the whole city, the streets and avenues alone, of which there are 259 miles, varying in width from 50 to 150 feet, amounting to one-half of the entire area of the city.

* * The Federal city was to be a temple erected to liberty, toward which the wishes and expectations of all true friends of every country would necessarily be directed; and, considered under such important points of view as evidently controlled the minds of the founders, it could not be calculated on a small scale. Everything about it was to correspond with the magnitude of the object for which it was intended. It forsaw a far distant future when it was to be the center of a continent under one form of government looking to it for its laws and for its protection. It was to be a city where all improvements made and expenses incurred were to be for the benefit of the whole people.

"Viewing the Capital City in this na-

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"Viewing the Capital City in this national aspect, we may well understand the motives which governed its founders in imposing upon all who were to come after them such duties and responsibilities toward it as would be peculiar to the capital city alone, and which would fully justify a liberal if not a munificent policy in expenditures.

and report to this House the legal relations between the Federal Government and the local government of the
District of Columbia, and the extent
and character of the mutual obligations
with regard to municipal expenses; and
further to inquire and report whether
some accurately defined basis of expenditure cannot be prescribed and
maintained by law."

On the first of June, 1874, Mr. Poland,
from the Committee on the Judicary,
submitted the report called for by the
above resolution (H. R. Report No. 627,
was congress, lat session), in which it
was said in part:
"This brings us to the consideration
of the question as to the extent and
character of expenses contemplated in
building the Federal city. It is perfectty manifest from a moment's examination of this plan that a city was laid
off fere for the use of the United States
or any other country; upon a plan to
carry out which would inevitably lead
to an expenditure entirely beyond the
requirements of a city for business
or any other country; upon a plan to
carry out which would inevitably lead
to an expenditure entirely beyond the
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or any other country; upon a plan to
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Manifests Nation's Will in Every Way

missioners in preparing such a plan "to lay out at the intersections of the principal avenues and attrest thereof circular out the intersections of the principal avenues and attrest thereof circular out the principal avenues and attrest thereof circular out the principal avenues and attrest thereof circular out the property of the principal control of the principal out the principal of the principal out t

improvement of the streets, should pay at least one-half of the expense

improvement of the streets, should pay at least one-half of the expense of those streets, and that one-half of the money expended by the city for this purpose ought now to be refunded to it, being \$214,965. Should this sum be appropriated by Congress, the city will receive only the principal money, and unless interest be paid upon it, it will lose many thousand dollars. * * "In making this appropriation it will not be necessary for Congress to take from the Treasury of the nation a single dollar which has been derived from any one of all the sources of revenue to which the people of the Union contribute. The Government has already received from the property which it acquired by contract with owners of the soil a much larger amount, as will be hereafter stated in this report. * "It has been before stated that the avenues and streets were transferred without any pecuniary compensation therefore being made by the Government. The reservations of ground for public use consist of seventeen entire squares or large sections in various parts of the city, and contain 541 acres, 1 rod, and 28 perches of land. On some of these the Capitol. President's House, and other public buildings have been erected. The rest of them are either open and unoccupied or have been erected. The rest of them are either open and unoccupied or have been erected to public uses, according to the discretion of Congress upon the subject.

"For this large extent of land, equal to all its present and presents.

devoted to public uses, according to the discretion of Congress upon the subject.

"For this large extent of land, equal to all its present and prospective wants, the Government paid normally (nominally) the sum of \$86.09 to the proprietors of the soil, but in reality nothins. This sum was not drawn from the general treasury, nor one cent of it contributed by the people of the United States. The whole of it was taken out of the proceeds of the sales of the building lots, which had also been secured by the Government in the contract with the land owners.

"Thus it appears that the Government has received from the grants and donations made to it, of lands and money for the benefit of this city and its accommodations therein, more than \$2,000,000.

Large Proportion of Receipts Enjoyed by Government.

It is proper also to remark that a large proportion of the money re-ceived has been enjoyed by the Gov-ernment for many years, without interest; much the larger portion of the lots were sold previous to the year 1791; and the committee do not believe that the use of a part of it at this time to relieve the city from its distressed situation would in any degree violate the purposes or ob

The committee did not sustain the

charges of wrongdoing made by the me-morialists, but did criticise the methods employed by the board of public works which had resulted in levying enormous

sums by way of special assessments on ands in the city of Washington held in private ownership and in making the debt of the District, funded and un-funded, about \$21,000,000. And the com-mittee said:

"Your committee are unable to see but one way in which the board could have expected to pay this large debt; that is by receiving aid from Congress, as it must have oc-curred to them that the resources or the District could not be taxed sui-ficiently to pay them."

It must be borne in mind in this connection that the board of public works
was the agent of the United States. Its
great work in improving the Capital,
which was warmly approved in many
respects by the committee, was the
work of the Federal Government. In
its creation and in the selection of its
members the District had no part.
And whatever may be said of the
methods pursued by the board, the unquestioned fact shown in detail in the
report of the committee is that a tremendous debt had been created which
it was impossible for the people of the
District to meet.
As already shown, when, in 1872, a
thousand representative citizens of the
District urged Congress to put an end
to the board's activities, the House in
accepting the report of the committee.

cepting the report of the committee which Mr. Starkweather was chair-

Wrongdoing Charges

be collected as all other taxes are collected."

On January 22, 1872, less than one year after the passage of this act, a memorial, signed by 1,000 taxpayers of the District, was presented to the House of Representatives, charging the Board of Public Works and other officials with extravagance and mismanagement. This memorial was referred to the Committee on the District of Columbia. The committee made an investigation, which resulted in a majority and minority report (H. R. Report No. 72, 42d Congress, 2d session). The majority report was signed by H. H. Starkweather, chairman, and six other members of the committee. It held, in substance, that while mistakes might have been made by the Board of Public Works, the charges of corruption, misconduct, and serious mismagagement had not been proved. And the committee said:

"The governor and members of the

lute and unlimited control, which should be regulated and governed by them without the interference of partial interests in the States, which should be built up and sustained by their authority and resources, not dependent upon the will or resources of any State or local interest.

The act of Congress approved February 21, 1871 (16 Stat., 419), created a body corporate for municipal purposes by the name of the District of Columbia of the whole of that part of the territory of the United States included within the limits of the District at that time, being all the land ceded to the United States by the State of Marylind. That act provided for the appointment by the President of a Sovernor and secretary of the District, and also of a Board of Public Works, to consist of the governor and four other persons to be appointed by the President. It further provided for a legislative assembly, consisting of a council of eleven members, to be appointed by the President, and a house of delevance, consisting of twenty-two members, to be clected by the people of the District.

Charges of Mismanagement

The act contained the following in "The board of public works shall have entire control of and make all regulations which they shall deem

necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be entrusted to their charge by the legislative assembly or

Congress. They shall disburse, upor

Congress. They shall disburse, upon their warrant all moneys appropriated by the United States for the District of Columbia, or collected from property-holders in pursuance of law, for the improvement of streets, avenues, alleys, and sewers, and roads, and bridges, and shall assess in such manner as shall be prescribed by law, upon the property adjoining, and to be specially benefited by the improvements authorized by law and made by them a reasonable proportion of the cost of improvement, not exceeding one-third of such cost, which sum shall be collected as all other taxes are collected."

On January 22, 1872, less than on

Were Not Proved.

degree violate the purposes or object of the grantors, derogate from any provision or principle of the Constitution or be repugnant to the just and generous feelings of the people of the United States, who will not desire to retain in the Treasury gifts which they have received for the convenience and accommodation of their Government while the city of Washington, where that Government is located, is laboring under accumulated misfortunes and in danger of being sold to allens and foreigners.

"In the investigation of the subject committed to them, and of the relief to be proposed, the committee have been unable to separate the interests of the United States. They regard it as the child of the Union for its own purposes. The design of the Constitution and its founders was to create a residence for the Government where they should have also-

Declared Revolting To Sense of Justice

purposes. The design of the Union for its stricted and economical government printed more money toward the imprinted more money toward the improvement of the Capital than had been appropriated for the Government where they should have also.

Tongdoing Charges

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Were Not Sustained

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world, and such a course now, steadily pursued, will make it so at no very ciginal day.

Your committee would not hesitate to undertake the irreparation of a bill looking to this well-defined basis of expenitures; but in view of the fact that a joint committee of the Senate and House have been charged, with an examination into all the questions in their detail, which should be first examined before maturing such a measure, and your committee is not so charged, nor in possession of the necessary facts, they therefore feel constrained to submit these general views and wait the further order of the House, should the joint committee referred to fail to present a bill answering the inquiry of the resolution.

Territorial Government Abolished by Act of Congress.

The last paragraph of this report of which Senator Allison was chairman, which committee, as above stated, made its report on the 16th of June, 1874fifteen days after the report of the Judiciary Committee of the House was submitted to the House. Pursuant to the report of the joint committee Congress by an act approved June 29, 1841, entitled "An act for the government of the District of Columbia, and for other purposes" (18th Stats., 116), abolished the territorial government created by the act of February 21, 1871, and authorized the President to appoint a commission, consisting of three persons, who should exercise with certain limitations all the power and authority theretogra, lawfully vested. the report of the Joint committee Conmission, consisting of three persons, it who should exercise with certain limitations all the power and authority by the certain limitations all the power and authority by the certain limitation and the power and board of public works. This act further authorized the President to detail an officer of the Engineer Corps, who, subject to the seneral suppervision of the Board of Commission ers, would have control and charge of the work of repairing and the improvement of streets, avenues, alleys, several, roads, and bridges of the Batrict. Section 1 of the act provided for the appointment of another Joint S. Let Committee of the two Houses, was a duty it should be "to propare a suitable frame of coverance; for the Listifet of Columbia and report the sent to the two Houses respectively and the rat day of the next respectively and the rat day of the next respectively and the rat display of the next respectively and the rat day of the next respectively and the ration also directed that the committee should "prepare and submit to Congress a statement of the proper proportion of

Starkweather, chairman, and six other members of the committee. All the committee and the committee said:

"The great of corruption, misconduct, and serious mismanagement had not been proved. And the committee said:

"The great of corruption, misconduct, and serious mismanagement had not been proved. And the committee said:

"The great of the capital city, should require to be committee said:

"The great of corruption of the capital city, should require to be committee and the committee and the committee of improvement and prosperity; and the District tisself ig entitled to fair and generous had not compared to the capital city, should require to be committee of improvement and prosperity; and the District tisself ig entitled to fair and generous had not asset the burden of maintaining the expenses for the capital should fail, upon the resident population. If we had not compared to the valuation of the property owners and mannagement in various capacities. They acquire no built fittle property, which is not the committee of the leading citizens and prosperty owners of the District tisself ig entitled to fair and generous had not been property owners of the District of the capital city, should require to be committee, and prosperty owners of improvement in various capacities. They acquire no built fittle property owners of the District of the capital city, should require to be an another memorial, significant to the committee of the capital city, should require to be an another memorial, significant to the committee of the capital city, should require to be an another memorial, significant to the committee of the leading citizens and prosperty owners of the District to the consistency of the capital city of persons engaged in minor traffic, and property owners of the District of the committee of

The demands for expenditures as indicated in the disposition of its avenues and streets and numbering squares, will necessarily be upon a scale beyond what might reasonably be imposed upon or drawn from the resources of a business and resident population. These may properly be required to make that just contribution to the current annual expenses, the interest of the public debt syst. to make that just contribution to the current annual expenses, the interest of the public debt and its ultimate payment which a people so situated as compared with other communities may be required to pay for like protection, privileges, and immunities. The streets, avenues, squares, and reneral plan of the capital bity bear the impress of paramount and exclusive nationality, spacious and in grand in design, dedicated to the sacred area of a national capital onerous and exen intolerable as a charge upon private process of all suitable in provenents and decorations obviously, properly had imperatively devolves upon Congress, and it will as it properly had imperatively devolves upon Congress, and it will as it properly had imperatively devolves upon Congress, and it will as it practice the character of its furirdiction and the dignity of its trust, exercise a jenious care over it. The acquisition of this District, conceived in a supposed public necessity, suggested by a humiliating experience of the Congress of the Confederacy its wisdom affirmed by kindred events in our recent history, should, it is submitted, be maintained infact by the body in which the Constitution vested the exclusive power. The proportion of expenditures which should be borne by the United States and the citizens and resident property-holders, is a proposition not deemed susceptible of exact determination, nor does it, in the views laken by your committee, become important."

views laken by your committee, become important."

The committee proceeded to recommend the government of the District through a department in the Governmen of the United States strictly limited to the affairs of the District. At the head of this department was to be a board of general control, designated a board of general control, designated a hoard of regents of three persons, to be appointed by the President and confirmed, by the Sonate.

The bill so reported, after some destate in the Senate not relating to the question of the contribution by the United States to the expenses of the District, was laid on the table.

On the 18th of February, 1878, Mr. Hendee, from the House District Committee, reported a bill (H. R. 2259 providing "a permanent form of government for the Islatrict of Columbia." In referring to this measure in the House, Mr. Hendee, on the 20th day of March, 1878, 2016;

There have been three different attempts, as I unders-ind, to make a permanent form of government for this District, and each one has fail-